

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

CHAMBER OF COMMERCE OF THE )  
UNITED STATES OF AMERICA and )  
AMERICAN PETROLEUM INSTITUTE, )  
Plaintiffs, )

WEST VIRGINIA et al., )  
Intervenor-Plaintiffs, )

v. )

Case No. 2:24-cv-1513

JULIE MOORE, in her official capacity as )  
the Secretary of the Vermont Agency of )  
Natural Resources and )  
JANE LAZORCHAK, in her official capacity as )  
the Director of the Vermont Agency of )  
Natural Resources Climate Action Office, )  
Defendants. )

**STIPULATED MOTION TO SUSPEND AND RESET BRIEFING SCHEDULE**

Defendants Julie Moore and Jane Lazorchak move to temporarily suspend the briefing schedule, including their deadline for a responsive pleading, until after the State is served with the complaint in Case No. 2:25-cv-00463 (filed May 1, 2025) and the Court has ruled on the outstanding motion to intervene in this case. Following those actions, the parties have agreed to renegotiate a briefing schedule, including Defendants' response to the complaints. The State has conferred with Plaintiffs and Intervenor-Plaintiffs ("Plaintiff States"), who consent to the relief requested in this motion.

In support of this motion, the State states as follows:

1. Plaintiffs filed their complaint on December 30, 2024.
2. Plaintiffs served their complaint on February 26, 2025.
3. Counsel for the parties conferred and agreed on a proposed schedule for responsive

pleadings and motions, which the Court entered on March 20. Under that schedule, the State's responsive pleading is due May 19, followed by motion-to-dismiss and partial-summary-judgment briefing.

4. On March 31, the Northeast Organic Farming Association of Vermont and Conservation Law Foundation ("NOFA Defendants") moved to intervene as defendants in this case. The State consented to this intervention.
5. Plaintiffs filed a memorandum opposing the intervention on April 14, and the proposed NOFA Defendants filed their reply on April 28.
6. On April 30, a group of twenty-two states—the Plaintiff States—moved to intervene in this case as plaintiffs, to which Plaintiffs and the State consented.
7. The Court granted that unopposed motion on May 2.
8. Plaintiff States filed their complaint on May 7.
9. Meanwhile, on May 1, the United States and the United States Environmental Protection Agency filed another action in this Court challenging Vermont's Climate Superfund Act, Case No. 2:25-cv-00463.
10. Given the new complaint filed by Plaintiff States in this case and considerations related to the new case filed by the United States, the State needs more time to submit a responsive pleading in this case. In addition, the State believes it would be more efficient to suspend the briefing schedule (including the Local Rule 26(a)(2) discovery schedule) and the State's responsive pleading deadline until after (i) the United States has served the State in Case No. 2:25-cv-00463 and (ii) the Court has ruled on proposed NOFA Defendants' motion to intervene in this case. At that time, the State proposes to confer with the parties on a revised briefing schedule for submission to the Court. The State anticipates

including the United States in these conferrals.

11. Accordingly, the State respectfully requests an order:

- Suspending the briefing schedule, including the State's responsive pleading deadline and the parties' Local Rule 26(a)(2) proposed discovery schedule, until further order of the Court revising the briefing schedule.
- Requiring the parties to confer on a briefing schedule after the State is served in Case No. 2:25-cv-00463 and the Court rules on the pending motion to intervene in this case, and to submit a stipulated schedule or competing proposed schedules within fourteen days of the latter of these two events.

Dated: May 16, 2025

Respectfully submitted,

/s/ Jonathan T. Rose

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